

1 Douglas R. Young (State Bar No. 073248)  
2 William P. Keane (State Bar No. 124756)  
3 Jessica K. Nall (State Bar No. 215149)  
4 Amarra A. Lee (State Bar No. 245679)  
5 Farella Braun + Martel LLP  
6 235 Montgomery Street, 17th Floor  
7 San Francisco, CA 94104  
Telephone: (415) 954-4400  
Facsimile: (415) 954-4480  
Email: [dyoung@fbm.com](mailto:dyoung@fbm.com)  
Email: [wkeane@fbm.com](mailto:wkeane@fbm.com)  
Email: [jnall@fbm.com](mailto:jnall@fbm.com)  
Email: [alee@fbm.com](mailto:alee@fbm.com)

8 | Attorneys for Defendant  
MARK LESLIE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

## 13 SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

VS.

17 MARK LESLIE, KENNETH E.  
18 LONCHAR, PAUL A. SALLABERRY,  
MICHAEL M. CULLY AND DOUGLAS  
S. NEWTON,

## Defendants.

Case No. 5:07-cv-03444-JF

**[PROPOSED] ORDER GRANTING  
DEFENDANT MARK LESLIE'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS THE  
COMPLAINT OR, IN THE  
ALTERNATIVE, TO STRIKE  
PRAYER FOR PENALTIES**

Date: January 18, 2008  
Time: 9:00 a.m.  
Dept.: Courtroom 3, 5<sup>th</sup> Floor  
Judge: Honorable Jeremy D. Fogel

Date Complaint Filed: July 2, 2007  
Date Set For Trial: None

27 //

1           After full consideration of the pleadings and the papers submitted in support of Defendant  
2 Mark Leslie's Request for Judicial Notice, and good cause appearing therefore, the supporting  
3 documents referenced therein are subject to judicial notice under Federal Rule of Evidence  
4 201(b). Accordingly, the Court GRANTS the Defendant's Request for Judicial Notice, and takes  
5 judicial notice of the following:

6           1.       Mark Leslie's email to Veritas Software Corporation's ("Veritas") Board of  
7 Directors and Audit Committee dated October 2, 2000.

8           2.       Audit Committee Member Steve Brooks' email to Veritas' Board of Directors  
9 dated October 3, 2000.

10          3.       Veritas' Form 10-K for the fiscal year ended December 31, 2000, filed with the  
11 SEC March 29, 2001.

12          4.       Veritas' Form 10-K/A filed with the SEC on March 17, 2003.

13          5.       Veritas' Form 8-K filed with the SEC on October 12, 2000, announcing Veritas'  
14 financial results for Q3 2000.

15          6.       Veritas' Form 8-K filed with the SEC on January 24, 2001, announcing Veritas'  
16 financial results for Q4 2000.

17

18          **IT IS SO ORDERED.**

19

20          DATED: \_\_\_\_\_

21

22

23

24

25

26

27

28

\_\_\_\_\_ HONORABLE JEREMY FOGEL